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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,125	12/11/2001	Lawrence Steven Salant	455610-2510	1969
20999	7590	12/15/2003	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			LAU, TUNG S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/015,125	SALANT ET AL.
	Examiner	Art Unit
	Tung S Lau	2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 November 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander (U.S. Patent Application 2002/0030683).

Regarding claim 1:

Alexander discloses an oscilloscope apparatus, comprising display for displaying a plurality of objects (fig. 6); toolbar comprises plurality pf choices displayed on said display (fig. 6); and user interface for selecting an object (fig. 6), said display displaying only the most common choices of said toolbar corresponding to the selected object (page 5, section 0049-0050, fig. 6), the selected object being define as the source for the various features of the toolbar (fig. 6, 7).

Regarding claim 18:

Alexander discloses an oscilloscope apparatus, comprising display for displaying a plurality of objects (fig. 6); toolbar comprises plurality pf choices displayed on

said display (fig. 6); user interface for selecting an object displayed on said display (fig. 6); and pop-up context sensitive toolbar displayed on said display (fig. 6), said context sensitive toolbar displaying only the most common choices on said toolbar corresponding to said selected object (fig. 8), the selected object being define as the source for the various features of the toolbar (fig. 6, 7).

Regarding claim 24:

Alexander discloses a method for viewing a waveform on an oscilloscope (fig. 6), comprising the steps of displaying a plurality of objects (fig. 7); displaying a toolbar comprises plurality pf choices (fig. 6); selecting an object displayed on said display (fig. 6); and displaying only the most common choices of said toolbar corresponding to the selected object (fig. 8), the selected object being define as the source for the various features of the toolbar (fig. 6, 7).

Regarding claim 28:

Alexander discloses a method for viewing a waveform on an oscilloscope, comprising the steps of displaying a plurality of objects (fig. 6); displaying a toolbar comprises plurality pf choices (fig. 6); selecting an object displayed on said display (fig. 6); and displaying a pop-up context sensitive toolbar (fig. 6), said context sensitive toolbar displaying only the most common choices of said toolbar corresponding to said selected object (fig. 6), the selected object being define as the source for the various features of the toolbar (fig. 6, 7).

Regarding claim 29:

Alexander discloses an oscilloscope apparatus, comprising an acquisition unit for acquiring a waveform (fig. 6); a processor for processing said waveform to obtain a plurality of measurements (fig. 1, unit 102, page 2, section 0018-0021); a renderer for displaying said waveform and a plurality of objects respectively and showing the plurality of measurements on a display (fig. 6); a toolbar comprises plurality pf choices displayed on said display (fig. 6); and a user interface for selecting an object displayed on said display (fig. 6), said renderer displaying only the most common choices of said toolbar corresponding to the selected object (fig. 6, 7, 8, 9), ), the selected object being define as the source for the various features of the toolbar (fig. 6, 7).

Regarding claims 2-17, 19-23 and 25-27 :

Alexander also disclose the object is a waveform (fig. 6), is measurement (fig. 6), curser value (fig. 6), function is a change type (fig. 8, unit 804), turn off (fig. 8, unit 810), is a parameter (fig. 8), function is trend (fig. 8), is setup (fig. 6, 8), histogram (fig. 8, unit 850, 852), is channel (page 1, section 0009, fig. 9), zoom function (fig. 6), math trace (fig. 8), define measurement (fig. 8), trace (fig. 8), a grid (fig. 8), sensitive toolbar are predetermined (fig. 8), a particular function in conjunction with selected objected (fig. 8), a function is displayed on said context sensitive toolbar if it has been previously used/not used with said selected object (fig. 8, 9, 10, 13), based on more or more value of the selected object (fig. 9).

***Response to Arguments***

2. Applicant's arguments filed 11/3/2003 have been fully considered but they are not persuasive.

A. Applicant argues that the prior art does not show the 'only the most common choices of toolbar corresponding to the selected object, the selected object being defined as the sources for the various features of the toolbar'. Alexander discloses 'only the most common choices of toolbar corresponding to the selected object, the selected object being defined as the sources for the various features of the toolbar' in fig. 6-9.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. oscilloscope toolbar control and display are common in the art as Alexander (U.S. Patent 5,953, 009, 6,320,577, 6,326,987, U.S. Patent Application 2001/0000964) show on his invention related to method and apparatus for oscilloscope toolbar control and display with multiple channels.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309.

The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703) 872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

TC2800 Customer Service RightFAX - (703) 872-9317

TL

December 1, 2003

  
John Barlow  
Supervisory Patent Examiner  
Technology Center 2800